

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EAST TOWING AND SALVAGE, INC. D/B/A
SEA TOW PUERTO RICO,

Plaintiff,

against-

BLUE OCEAN 1 LLC AND HECTOR HOYOS,

Defendants.

19 CV 8651 (DAB)

DAB
12/6/19
~~(proposed)~~ ORDER AWARDING
COMPULSORY PROCESS AGAINST
GARNISHEE HOYOS LLC

WHEREAS, on September 17, 2019, plaintiff East Towing and Salvage, Inc. ("Plaintiff") filed a Verified Complaint in Admiralty (the "Complaint") in the above-captioned action seeking, *inter alia*, issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Admiralty of Maritime Claims of the Federal Rules of Civil Procedure (Dkt. No. 1);

WHEREAS, on October 3, 2019, an Order Directing Clerk to Issue Process of Maritime Attachment and Garnishment and Appointing Process Server was issued (Dkt. No. 5);

WHEREAS, on October 10, 2019, Interrogatories to Garnishee Hoyos LLC, Verified Complaint in Admiralty, Rule 7.1 Corporate Disclosure Statement, Civil Cover Sheet, Order Directing Clerk

to Issue Process of Maritime Attachment and Garnishment and Appointing Process Server, Summons in a Civil Action, Electronic Case Filing Rules and Instructions, and Individual Practices of Judge Deborah A. Batts were served on Garnishee Hoyos LLC via registered agent Spiegel & Utrera PA, PC (Dkt. No.7);

WHEREAS, Rule B (3) of the Supplemental Rules for Certain Admiralty or Maritime Claims provides, in pertinent part, that:

The garnishee shall serve an answer, together with answers to any interrogatories served with the complaint, within 21 days after service of process upon the garnishee. Interrogatories to the garnishee may be served with the complaint without leave of court. If the garnishee refuses or neglects to answer on oath as to the debts, credits, or efforts of the defendant in the garnishee's hands, or any interrogatories concerning such debts, credits, and effects that may be propounded by the plaintiff, the court may award compulsory process against the garnishee.

Supp. Rule B(3);

WHEREAS, the Garnishee has not answered (under oath or otherwise) as to the debts, credits, or effects of Defendant(s) in the Garnishee's hands nor has it answered (under oath or otherwise) the garnishment Interrogatories propounded by Plaintiff; and

WHEREAS, on December 2, 2019, Plaintiff filed a Letter/Motion requesting "this Court to award compulsory process as provided by Supplemental Rule B(3) compelling garnishee Hoyos LLC to serve its answers, under oath, to the garnishment Interrogatories" ("Plaintiffs' Motion for compulsory Process");

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

- (1) Plaintiff's Motion for Compulsory Process is hereby granted;
- (2) Plaintiff's shall serve a copy of the Order upon Garnishee Hoyos LLC via registered agent Spiegel & Utrera PA, PC;
- (3) Within seven (7) calendar days of such service, Garnishee Hoyos LLC shall:
 - a. File and serve its answer, under oath, as to the debts, credits, or effects of the above-captioned Defendants (Blue Ocean 1 LLC and Hector Hoyos) in the Garnishee's hands; and
 - b. Serve upon Plaintiffs' counsel herein (directed to Law Office of Edward Carlson, Attn.: Edward Carlson, 43 West 43rd Street., suite 243, New York, NY 10036) the Garnishee's answers, under oath, as to the Garnishment Interrogatories; AND
 - c. In the event that the Garnishee fails to comply with this Order then Garnishee Hoyos LLC may be held in contempt of Court.

SO ORDERED

Dated: New York, New York

Deborah A. Batts
DEBORAH A. BATTS 12/6/19
UNITED STATES DISTRICT JUDGE